

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

JANE DOE, et al.

Plaintiffs,

vs.

HOWARD ZUCKER, et al.

Defendants.

Civil Action No.: 1:20 – CV – 0840 (BKS/CFH)

**DECLARATION OF J.S. IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY
INJUNCTION**

J.S., pursuant to 28 U.S.C. § 1746 declares under penalty of perjury as follows:

2. I am the mother of a medically fragile child that attends public school in New York.

3. I write this declaration in support of the Plaintiffs' motion for a preliminary injunction and as a potential class member in this suit.

4. For the past year, I have not slept through the night.

5. When my son's medical exemption was submitted to his high school in September 2019, they said that there would be a decision within 10 days and that my son could stay in school until a decision was made.

6. We never heard back from the high school about a decision and my son just kept going to school. I did not want to ask the principal or anyone involved and call attention to our case in case it had just gotten lost or misplaced by the health department.

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2 7. So many other families with medically fragile children were getting sudden denials.

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4 They were coming all throughout the year.

5 8. Every day we checked the mailbox and I worried if that would be the day ours would
6 arrive.

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8 9. I did not want to homeschool my son and I would in no way vaccinate him against
9 medical advice, so I just held my breath and waited.

10 10. My son didn't really make friends at school all of last year and he missed a lot of
11 school because of stress.

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13 11. He said he didn't want to make friends if he was just going to be kicked out anyway.
14 So every day until school closed down in March because of Covid, we both were just
15 waiting for the ax to fall.

16 12. We pray that this lawsuit will be successful and that schools will stop overruling or
17 second-guessing doctors. We cannot go through another year like we did last year.

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19 Especially with Covid and all the uncertainty, we need something we can rely on. Even if
20 the schools end up doing distance learning again, that is okay so long as we know that my
21 child will have access to all the same curriculum and resources as his peers and we won't
22 suddenly have to figure out how to do it all ourselves out of nowhere.
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3 13. Wherefore, I respectfully ask this Court to grant the relief and let our children remain
4 in school pending the outcome of this case and to stay the regulations that allow school
5 districts to overrule treating physicians.

6 RESPECTFULLY SUBMITTED this 14 day of August 2020

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9 _____
10 J.S.

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26 DECLARATION OF J.S. IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION -
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